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ပြည်ထောင်စုဘဏ္ဍာရန်ပုံငွေသို့ ပေးသွင်းရမည့်အခွန်အခများ

၂၃၀။ (က) ပြည်ထောင်စုသည် တိုင်းဒေသကြီး သို့မဟုတ် ပြည်နယ်များကောက်ခံခွင့်ရှိသော ဇယား ၅ ပါ အခွန်အခများမှအပ အခြားအခွန်အခများကို ဥပဒေနှင့်အညီကောက်ခံ၍ ပြည်ထောင်စုဘဏ္ဍာရန်ပုံငွေသို့ ပေးသွင်းရမည်။

(ခ) တိုင်းဒေသကြီး သို့မဟုတ် ပြည်နယ်များက ကောက်ခံရန်သတ်မှတ်ထားသည့် ရငွေများနှင့် အခွန်အခအမျိုးအစားများကို ပြည်ထောင်စုနယ်မြေများအတွက် ကောက်ခံရန်ရှိပါက ပြည်ထောင်စု ဥပဒေနှင့်အညီကောက်ခံပြီး ပြည်ထောင်စုဘဏ္ဍာရန်ပုံငွေသို့ ပေးသွင်းရမည်။

(ဂ) ပြည်ထောင်စုသည် ပြည်ထောင်စုဘဏ္ဍာရန်ပုံငွေကို ဥပဒေနှင့်အညီ သုံးစွဲခွင့်ရှိသည်။

ပြည်ထောင်စုဝန်ကြီးများနှင့် ဒုတိယဝန်ကြီးများ

ပြည်ထောင်စုဝန်ကြီးများ ခန့်အပ်တာဝန်ပေးခြင်း

၂၃၂။ (က) နိုင်ငံတော်သမ္မတသည် အောက်ဖော်ပြပါ အရည်အချင်းများနှင့်ပြည့်စုံသူများကို ပြည်ထောင်စုဝန်ကြီးများအဖြစ် ခန့်အပ်တာဝန်ပေးနိုင်သည်။ -

(၁) အသက် ၄၀ နှစ် ပြည့်ပြီးသူ၊

(၂) အသက်ကန့်သတ်ချက်မှအပ ပုဒ်မ ၁၂၀ တွင်ဖော်ပြထားသည့် ပြည်သူ့လွှတ်တော် ကိုယ်စားလှယ်များအတွက် သတ်မှတ်ထားသည့် အရည်အချင်းများနှင့် ပြည့်စုံသူ၊

(၃) ပုဒ်မ ၁၂၁ တွင် ဖော်ပြထားသည့် ပြည်သူ့လွှတ်တော်ကိုယ်စားလှယ်များအဖြစ် ဧည့်သည်တော်မြောက်ခံပိုင်ခွင့်မရှိစေသော ပြဋ္ဌာန်းချက်များနှင့်လည်း ပြီးစီးခြင်းမရှိသူ၊

(၄) နိုင်ငံတော်နှင့် နိုင်ငံသားများအပေါ် သစ္စာရှိသူ။

(ခ) နိုင်ငံတော်သမ္မတသည် ပြည်ထောင်စုဝန်ကြီးများအဖြစ် ခန့်အပ်တာဝန်ပေးရန် -

(၁) လွှတ်တော်ကိုယ်စားလှယ်များထဲက ဖြစ်စေ၊ လွှတ်တော်ကိုယ်စားလှယ်မဟုတ်သူများထဲကဖြစ်စေ ပုဒ်မခွဲ (က) ပါ သတ်မှတ်ထားသည့် အရည်အချင်းများနှင့်ပြည့်စုံသော သင့်လျော်သည့် ပုဂ္ဂိုလ်များကို ဧည့်ခံရမည်။

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445. All policy guidelines, laws, rules, regulations, notifications and declarations of the State Law and Order Restoration Council and the State Peace and Development Council or actions, rights and responsibilities of the State Law and Order Restoration Council and the State Peace and Development Council shall devolve on the Republic of the Union of Myanmar. No proceeding shall be instituted against the said Councils or any member thereof or any member of the Government, in respect of any act done in the execution of their respective duties.

446. Existing laws shall remain in operation in so far as they are not contrary to this Constitution until and unless they are repealed or amended by the Pyidaungsu Hluttaw.

447. Existing rules, regulations, by-laws, notifications, orders, directives and procedures shall remain in operation in so far as they are not contrary to this Constitution until and unless they are repealed or amended by the Union Government.

448. All functioning Civil Services personnel of departmental organizations including the Defence Services under the State Peace and Development Council on the day this Constitution comes into operation, shall continue in their functions unless otherwise prescribed by the Government of the Republic of the Union of Myanmar.

Daw Mar Lar Kyi, Page 178 (Article 445)

Arrested in 1990 for 7 years and 7 months for helping passing the frontier to India to the ex-military that had deserted the army after the 1988 Uprising. While in prison she endured electric torture. The military applied electrodes to her ears, leaving her hearing permanently damaged. Her mother died while she was in prison.

PAGE 178 OF THE 2008 CONSTITUTION. ARTICLE 445. This article, known as the “Immunity Clause”, grants amnesty to any previous officials who have committed any crime, as long as the crime was committed as a result of their official duties.

NAME OF POLITICAL PRISONER: Daw Mar Lar Kyi

GENDER: Female ETHNICITY: Burmese RELIGION: Buddhism DATE OF BIRTH: 27.9.1956 Age 58 EDUCATION: BED (Teaching University) & IFLR (French Diploma), Yangon OCCUPATION BEFORE PRISON: French teacher OCCUPATION AFTER PRISON: She passed the exam of Tourist Guide but since she had been a political prisoner she couldn't get any job. She opened a drugstore. She is head of the Graduated Students' Union

FIRST TIME IN PRISON
ARRESTED on May 1990, for 18 days
SECOND TIME IN PRISON
ARRESTED again on May 1990, for 7 years and 7 months for helping passing the frontier to India to the ex-military that had deserted the army after the 1988 Uprising.

OTHER: While in prison, she endured electric torture, the military applied electrodes to her ears, leaving her hearing permanently damaged. In 20.8.1997 her mother died while she was in prison.

WISHES FOR 2015: Free and fair elections. She wants the elected party to make the country move forward.

HISTORY CLOSE-UP: 8888 UPRISING

Sporadic protests against the military government had broken out several times since Ne Win took power in 1962, but these were always brutally suppressed. In 1988, there was growing resentment towards military rule – further exasperated by police brutality, economic mismanagement and corruption within the government. All this led to widespread pro-democracy demonstrations in 1988, known as the 8888 Uprising. Thousands of people were reportedly killed by the military during the uprising, although Burmese authorities put the figure at around 350 people killed.

The protest movement began on 12 March 1988 because of an incident between students from the Yangon Institute of Technology (RIT) and another student, son of an official. This incident angered pro-democracy groups and the next day more students rallied, students that had never protested before but now began to see themselves as activists. By mid-March, several protests had occurred and there was open dissent in the army. Following these protests the regime announced the closure of universities for several months. By June 1988, large demonstrations of students and other pro-democracy sympathisers were seen daily and the protests spread from Yangon throughout Burma, demanding multi-party democracy. On 23 July 1988, Ne Win, in an attempt to calm the situation, announced that he was resigning as BSPP party chairman. He promised a multi-party system, but had appointed Sein Lwin, much disliked and known as the ‘Butcher of Yangon’, to lead the new government.

In August of 1988 the protests reached their peak. Between 2 and 10 August, coordinated protests occurred in most Burmese towns. On 3 August, the junta imposed martial law and instituted a ban on gatherings of more than five people. A general strike began as planned on 8 August 1988 (8-8-88), an auspicious date based on numerological significance, and mass demonstrations were held across Burma, with ethnic minorities, Buddhists, Muslims, students, and workers, young and old, all participating. Over the next four days these demonstrations continued and the marches would occur daily until 19 September. Ne Win ordered that “guns were not to shoot upwards”, meaning that he was ordering the military to shoot directly at protesters. On 10 August soldiers fired into Yangon General Hospital, killing nurses and doctors treating wounded protesters. On 12 August Sein Lwin suddenly resigned, and Ne Win’s biographer, Dr. Maung Maung, was appointed as head of the government. Maung was a legal scholar and the only non-military person to serve in the BSPP. Nationwide protests resumed on 22 August. Large marches took place to distant ethnic states, particularly where military campaigns had previously taken place. Doctors, monks, musicians, actors, lawyers, army veterans and government office workers joined the protests.

By mid-September the protests grew more violent and lawless, with soldiers deliberately leading protesters into clashes that the army easily won. Protesters demanded more immediate change, and distrusted steps for incremental reform. On 18 September, the 8888 Uprising came to an end when the military, led by General Saw Maung, retook power in a coup d’état. General Maung established the State Law and Order Restoration Council (SLORC), imposing more draconian measures than those of Ne Win. After martial law was imposed, protests were violently broken up. The government announced on the state-run radio that the military had assumed power in the interest of the people. Tatmadaw troops indiscriminately fired on protesters in cities throughout Burma, and within the first week of securing power, 1,000 students, monks and schoolchildren were killed and another 500 were killed protesting outside the US embassy (the event was caught by a cameraman nearby who distributed the footage to the world’s media). Protestors were pursued into the jungle and some students went to the Thai-Burma border for training. By the end of September, around 3,000 people had been killed, with 1,000 dead in Yangon alone, and an unknown number had been injured. At this time, Aung San Suu Kyi appealed for help.

By 21 September the military had regained control, and the pro-democracy movement effectively collapsed in October. By the end of 1988, an estimated 10,000 people, including protesters and soldiers, had been killed, and many others were missing.

In May 1990, after huge international and national pressure, the military junta arranged free elections for the first time in 30 years. The National League for Democracy (NLD), led by Aung San Suu Kyi, won 80% of the seats in Parliament (398 out of 447). However, the military junta, surprised by such a landslide victory for the opposition, annulled the results of the election and refused to hand over power. Many members of the NLD and other opposition groups were arrested, and Aung San Suu Kyi was placed under house arrest in Yangon; she would remain under house arrest for 15 of the next 21 years, until November 2010. Aung San Suu Kyi has continued to advocate non-violence as the best way to achieve lasting political change.